United Nations CEDAW/C/KGZ/CO/4

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fourth periodic report of Kyrgyzstan*

1. The Committee considered the fourth periodic report of Kyrgyzstan (CEDAW/C/KGZ/4) at its 1289th and 1290th meetings, on 25 February 2015 (see CEDAW/C/SR.1289 and 1290). The Committee's list of issues and questions are contained in CEDAW/C/KGZ/Q/4 and the resporses of Kyrgyzstan are contained in CEDAW/C/KGZ/Q/4/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its fourth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's delegation, which was headed by the Deputy Minister of Social Development, Erik Kuikeev, and included representatives from the Ministry of Social Development, the Ministry of Public Health, the Ministry of the Interior, the Ministry of Justice and the Permanent Mission of Kyrgyzstan to the United Nations Office at Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's third periodic report (CEDAW/C/KGZ/3) in undertaking legislative reforms, in particular the adoption of the long-term national strategy on achieving gender parity by 2020 (Government Decree No. 443 of 2012).

5. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has acceded to the following international instruments:

(a) Second Optional Protocol to the International Covenant on Civil and

* Adopted by the Committee at its sixtieth session (16 February-6 March 2015).

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Political Rights, aiming at the abolition of the death penalty, in 2010;

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2008.

C. Principle areas of concern and recommendations

Zhogorku Kenesh

6. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with the parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Zhogorku Kenesh to take the steps necessary to implement the present concluding observations between now and the next reporting period under the Convention.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

7. The Committee notes with concern that there is inadequate knowledge among all branches of the Government of the rights of women under the Convention, its Optional Protocol, including substantive equality of women and men, and the Committee's general recommendations. It is further concerned that women themselves, especially those in rural and remote areas, are unaware of their rights under the Convention and thus lack the information necessary to claim their rights.

8. **The Committee recommends that the State party:**

(a) **Ensure that the Convention, its Optional Protocol and the Committee's general recommendations are sufficiently known and applied by all branches of Government, including the judiciary, as a framework for laws, court decisions and policies on gender equality and the advancement of women;**

(b) **Enhance the awareness of women of their rights and the remedies available to them to claim violations of their rights under the Convention and ensure that information on the Convention, its Optional Protocol and the Committee's general recommendations is provided to all women, in particular those in rural and remote areas.**

Definition of discrimination against women and discriminatory laws

9. The Committee notes the adoption of a new Constitution by the State party in 2010 and of the Law on State Guarantees of Equal Rights and Opportunities for Men and Women, of 2008, which provides a definition of discrimination that encompasses direct and indirect discrimination in both the public and private spheres, in accordance with article 1 of the Convention. It is, however, concerned that draft law No. 6-11804/14, which has passed the first reading stage in the parliament, introduces criminal and administrative sanctions for the "formation of a positive attitude to non-traditional sexual relations", which may discriminate against certain groups of women, including lesbian, bisexual, transgender and intersex women.

10. **The Committee urges the State party:**

(a) **To ensure that the discriminatory draft law No. 6-11804/14 is not adopted;**

(b) **To adopt comprehensive anti-discrimination legislation which prohibits discrimination against women on all grounds.**

National machinery for the advancement of women

11. While welcoming the adoption of the national strategy for achieving gender equality by 2020, the Committee notes with concern that the restructuring and relocating of the national machinery and its fragmentation have affected its ability to ensure the effective development and implementation of gender policies. The Committee is concerned:

(a) That the Department of Gender Policy of the Ministry of Social Development lacks the authority and capacity necessary, including adequate human and financial resources and capacity, to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices;

(b) That the National Council on Gender Development is an advisory body and lacks a clear mandate and authority;

(c) That there is no coordinated gender mainstreaming strategy or gender-responsive budgeting.

12. **The Committee recommends that the State party:**

(a) **Take steps to accord greater visibility, increased capacity and authority to all the components of the national machinery for the advancement of women by upgrading its status, clarifying its mandate and ensuring the provision of sufficient and sustainable budgetary allocations and adequate staff with the technical capacity necessary to fully enable it to implement programmes and projects on gender equality and the advancement of women;**

(b) **Develop a gender mainstreaming strategy that includes gender-responsive budgeting and which can be applied in the formulation of all policies and programmes to address various aspects of women's lives.**

Temporary special measures

13. The Committee welcomes the adoption of the Local Council Elections Act No. 98, of 2011, which established a quota system for elections at the local level. It is concerned, however, about the absence of a comprehensive strategy for implementing temporary special measures to achieve substantive equality of women and men in the State party in all areas where women are underrepresented or disadvantaged.

14. **Recalling general recommendation 25 on temporary special measures, the Committee recommends that the State party:**

(a) **Familiarize all relevant State officials and policymakers with the concept of temporary special measures, adopt and implement temporary special measures, including time-bound goals and quotas, directed towards the achievement of de facto or substantive equality of women and men in all areas**

where women are underrepresented or disadvantaged, including in political and public life, decision-making and employment;

(b) **Address the root causes of the weak implementation of the existing temporary special measures and introduce in its legislation provisions to encourage the use of temporary special measures in both the public and private sectors.**

Stereotypes and harmful practices

15. The Committee remains concerned about the persistence of deep-rooted patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and society, which discriminate against women and perpetuate their subordination within the family and society. Those attitudes and stereotypes are reflected in women's educational and professional choices, their limited participation in political and public life, their unequal participation in the labour market and their unequal status in marriage and family relations. The Committee recalls that such stereotypes are root causes of violence against women and expresses its concern at the high prevalence of harmful practices that discriminate against women, such as child marriage and bride kidnapping, and that to date, the State party has not taken sustained measures to modify or eliminate discriminatory stereotypes, negative traditional attitudes and harmful practices.

16. **The Committee urges the State party:**

(a) **To put in place, without delay, a comprehensive strategy with proactive and sustained measures that targets women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and society and harmful practices that discriminate against women;**

(b) **To expand public education programmes on the criminal nature and adverse effects on women of harmful practices such as child marriage and bride kidnapping, in particular in rural and remote areas;**

(c) **To use innovative measures targeting the media to strengthen understanding of substantive equality of women and men and use the education system to enhance positive and non-stereotypical portrayals of women;**

(d) **To monitor and review the measures taken in order to assess their impact and take appropriate action.**

Violence against women

17. Noting the existence of a specific law prohibiting violence against women, the Committee remains concerned, however, about the high prevalence of violence against women, in particular domestic and sexual violence, in the State party and about the lack of statistical information disaggregated by age, nationality and relationship between the victim and the perpetrator on violence against women and its causes. The Committee notes with concern that cases of violence against women are underreported, as it is considered a private matter and is taken mainly to elders' (*aksakals*) courts, and that victim protection services and enforcement measures are insufficient, given the absence of shelters for women who are victims of violence and the fact that only one crisis centre operating in the State party is funded by the State.

18. **Recalling its general recommendation No. 19 on violence against women, the Committee urges the State party:**

(a) **To put in place comprehensive measures to prevent and address violence against women and girls and ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished;**

(b) **To provide mandatory training for judges, prosecutors, the police and other law enforcement officials on the strict application of criminal law provisions dealing with violence against women and on gender-sensitive procedures to deal with women who are victims of violence;**

(c) **To encourage women to report incidents of domestic and sexual violence to law enforcement bodies and not to elders' (*aksakals*) courts by destigmatizing victims, sensitizing the police and raising awareness about the criminal nature of such acts;**

(d) **To provide adequate assistance and protection to women who are victims of violence by establishing shelters, including in rural areas, and enhancing its cooperation with non-governmental organizations providing shelter and rehabilitation to victims;**

(e) **To collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and the perpetrator.**

Bride kidnapping

19. The Committee is deeply concerned about the persistent abduction of women and girls for forced marriages, notwithstanding the amendments to the Criminal Code which criminalize bride kidnapping and provide for increased sanctions. The Committee is alarmed by the high prevalence of marriages in the State party that result from bride kidnapping, especially in rural and remote areas. The Committee is deeply concerned that bride kidnapping appears to be socially legitimized and surrounded by a culture of silence and impunity and that cases of bride kidnapping remain underreported, as they are considered a private issue that should remain within the family. The Committee is concerned that only one perpetrator of bride kidnapping was convicted in the period since 2008.

20. **The Committee urges the State party:**

(a) **To conduct research on the extent of the practice of abduction of girls for purposes of forced marriage and develop a comprehensive strategy to address the practice to ensure the effective investigation, prosecution and conviction of perpetrators and the provision of remedies and support services for victims;**

(b) **To strengthen the efficiency of law enforcement agencies to ensure that they protect women and girls from violence and bride kidnapping, adopt standardized procedures for the police in all regions of the State party on gender-sensitive investigations and treatment of victims and encourage women to file complaints;**

(c) **To provide systematic training for judges, law enforcement officers and medical staff on the criminal nature of bride kidnapping and its adverse effects on women's rights;**

(d) To ensure that women victims of bride kidnapping may report cases without having to fear retribution or stigma;

(e) To address the traditional cultural attitudes and underlying causes of bride kidnapping, including through education and awareness-raising campaigns for the general public.

Trafficking in women and exploitation of prostitution

21. The Committee notes the adoption of the national action plan on combating human trafficking for 2013-2016, and the increase of the minimum sentence for human trafficking from three to five years' imprisonment in the Criminal Code. It is, however, concerned about:

(a) The absence of a coordinating body responsible for the implementation of the national action plan on combating human trafficking and about the lack of coordination among the relevant State structures, such as the Ministry of Labour, Migration and Youth, the Ministry of the Interior and the General Prosecutor's Office, and the lack of a regulatory policy framework;

(b) The lack of information on the number of complaints, investigations, prosecutions and convictions relating to trafficking in women and girls and on support and rehabilitation programmes for victims;

(c) The widespread violence and discrimination against women in prostitution, in particular by the police, the performance of illegal forced testing for HIV/AIDS and other sexually transmitted diseases on them, the limited assistance available to them, including the absence of specific shelters and crisis centres adapted for their needs and the lack of exit and reintegration programmes for women who wish to leave prostitution.

22. **The Committee recommends that the State party:**

(a) Establish a coordinating body responsible for the implementation of programmes and action plans to combat trafficking in persons and the coordination of relevant State structures;

(b) Conduct comparative studies on trafficking and exploitation of prostitution, including by collecting data, disaggregated by sex, ethnicity and age, to identify and address the root causes of trafficking and include such data in its next periodic report;

(c) Establish an oversight mechanism allowing the monitoring of violence against women involved in prostitution by the police and stop illegal forced testing, often performed during police raids, for HIV/AIDS and other sexually transmitted diseases of women involved in prostitution;

(d) Adopt a comprehensive approach to address the phenomenon of prostitution; provide specific shelters and crisis centres, exit and reintegration programmes and alternative income-generating opportunities for women who wish to leave prostitution; and take measures to reduce demand.

Participation in political and public life

23. The Committee is concerned about the low participation of women in political and public life, in particular in decision-making positions and in municipal governance bodies (13.4 per cent), in the diplomatic service, and in rural self-governing local bodies (4.7 per cent), owing to persistent traditional and

patriarchal attitudes, lack of implementation of adequate temporary special measures and insufficient capacity-building and campaign funding for potential women candidates, which impede women's equal participation in political life.

24. **The Committee urges the State party to:**

(a) **Take measures to increase the participation of women in political and public life at all levels, including by adopting temporary special measures, such as statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject;**

(b) **Build the capacity of and enhance access to campaign financing for women politicians, to enable them to compete effectively with their male counterparts;**

(c) **Conduct awareness-raising activities for politicians, community leaders, journalists and the general public on the importance of the participation of women in decision-making to enhance the understanding that full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the Convention.**

Education

25. The Committee notes the high enrolment rate of women and girls in tertiary education. However, the Committee is concerned about: the significant gender gap in secondary and higher vocational education (of students enrolled in power industry studies, 83.1 per cent were male and only 16.9 per cent were female); horizontal segregation, which leads to segregation in the labour market; the fact that women and girls continue to choose traditionally female-dominated fields of education (only 21.1 per cent of students enrolled in architecture studies were women, compared with 87.9% who were men); and the fact that women remain underrepresented in technical vocational education. While noting the ongoing review of school curricula and textbooks, the Committee remains concerned about the persistence of certain negative stereotypes against women in school books and curricula.

26. **The Committee recommends that the State party:**

(a) **Give priority to eliminating the negative stereotypes and structural barriers to the enrolment of girls in non-traditional fields of education at the secondary and tertiary levels and provide career counselling for girls on non-traditional career paths such as science and technology;**

(b) **Intensify its efforts in reviewing school textbooks and curricula to eliminate gender stereotypes;**

(c) **Provide in its next periodic report updated disaggregated data on the educational choices of women and girls.**

Employment

27. The Committee is concerned about the disproportionately high rate of unemployment among women and about the high proportion of women working in the informal sector, in particular migrant women, to whom the labour law does not apply. The Committee is also concerned about the absence of a specific legal framework that implements the principle of equal pay for work of equal value and

prohibits sexual harassment in the workplace. It is further concerned that the State party has not ratified the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

28. **The Committee recommends that the State party:**

(a) **Intensify its efforts to create an environment that enables women to become economically more independent, including by sensitizing employers in the public and private sectors to the prohibition of discrimination against women in employment, and promote the entry of women into the formal economy through the provision of vocational and technical training and by facilitating childcare services and pre-school education;**

(b) **Adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace;**

(c) **Adopt and effectively apply legislation guaranteeing equal pay for work of equal value in order to narrow and close the gender wage gap and regularly review wages in sectors with a high concentration of women;**

(d) **Consider introducing legislation on basic rights and the right to maternity leave in the informal sector and ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Health

29. The Committee notes the adoption by the State party of the Den Sooluk health-care reform programme for 2012-2016 and the pre-natal programme for 2006-2010. However, it is concerned:

(a) About the limited access to health care for women and girls in rural areas, the lack of trained personnel and obstetric health services for women and women's limited access to adequate sexual and reproductive health services;

(b) That the maternal and infant mortality rates remain high, especially in rural areas, owing to inadequate prenatal care and the high number of early pregnancies;

(c) About the increasing number of women living with HIV/AIDS;

(d) That in spite of some measures, there is persistent discrimination against some groups of women, including lesbian, bisexual, transgender and intersex women and women involved in prostitution, in the provision of health-care services.

30. **In line with its general recommendation No. 24 on women and health, the Committee calls on the State party:**

(a) **To strengthen the programme for the reduction of the maternal, newborn and child mortality rates by ensuring the effective implementation and adequate funding of relevant State programmes and providing access to health-care facilities and trained medical personnel;**

(b) **To increase access for all women and girls, in particular rural women and girls, to basic health-care services;**

(c) **To widely promote age-appropriate education on sexual and reproductive health and rights and increase access to affordable and safe modern contraceptives and information on family planning for women, men, girls and boys throughout the State party.**

Rural women

31. The Committee expresses its concern at the disadvantaged status of women in rural areas, who form the majority of women in the State party (65 per cent). It regrets the lack of measures to address poverty among, and discrimination against, rural women and to ensure their access to justice, education, health services, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredit, and ownership and use of land, as well as their insufficient participation in decision-making processes at the community level.

32. **The Committee calls upon the State party:**

(a) **To formulate and implement specific measures to combat poverty among rural women, including effective measures to ensure rural women's access to justice, education, health services, housing, safe drinking water, sanitation, formal employment, skills development and training opportunities, income-generating opportunities and microcredit, and ownership and use of land, taking into account their specific needs;**

(b) **To ensure the participation of rural women in decision-making processes at the community level on an equal basis with men.**

Disadvantaged groups of women

33. The Committee notes that the State party recognizes the existence of various disadvantaged groups of women, including migrant workers, older women, women domestic workers, women belonging to ethnic minorities, women drug users and lesbian, bisexual, transgender and intersex women. The Committee is, however, concerned about the situation of those groups of women who face intersecting forms of discrimination. The Committee is also concerned about the absence of an official procedure to change the gender marker on identity documents for transgender women, which exacerbates discrimination against them.

34. **The Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures within the meaning of article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject, to ensure equal rights and opportunities for women who face intersecting forms of discrimination;**

(b) **Ensure access to sustainable, non-discriminatory and non-prejudiced services, such as shelters, sexual and reproductive health services, legal aid and counselling, and employment for all women, in particular women facing intersecting forms of discrimination, and protect them from violence, abuse and exploitation;**

(c) **Adopt the legislative measures and targeted policies necessary to address multiple forms of discrimination and promote the integration into society of disadvantaged and marginalized groups of women facing intersecting forms of discrimination;**

(d) **Finalize and adopt an expeditious, transparent and accessible official procedure to change the gender marker on the identity documents of transgender women who wish to obtain legal recognition of their gender.**

Marriage and family relations

35. The Committee commends the State party for its comprehensive Family Code, however, it is concerned that many women, particularly those married only under religious law, do not benefit from all the rights stipulated therein and are denied economic protection upon the dissolution of their unrecognized marriage. The Committee is also concerned about the persistence of child and forced marriages, notwithstanding the setting of the minimum age of marriage at 18 years.

36. **The Committee recommends that the State party:**

(a) **Expedite the adoption of the amendment to the Act on Religious Belief and Practice, so that religious marriages can be administrated only after formal marriages have taken place in order to ensure the registration of all marriages, in line with the Constitution;**

(b) **Adopt all the legislative measures necessary to protect the rights of women upon dissolution of such religious or customary marriages, regardless of their registration status, in line with the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution;**

(c) **Take proactive measures to combat child and forced marriages, in accordance with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices.**

Data collection

37. The Committee is concerned about the general lack of updated statistical data, disaggregated by sex, age, ethnicity, geographical location and socioeconomic situation. Those data are necessary to make an accurate assessment of the situation of women, to determine whether they suffer from discrimination, to make informed and targeted policies, and to systematically monitor and evaluate progress achieved towards the realization of substantive equality of women and men in all areas covered by the Convention.

38. **The Committee calls upon the State party to develop a gender indicator system to improve the collection of data disaggregated by sex and other relevant factors, which is necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing the enjoyment by women of their human rights. In that regard, the Committee draws the attention of the State party to its general recommendation No. 9 on statistical data concerning the situation of women and encourages the State party to seek technical assistance from the relevant United Nations agencies and enhance its collaboration with women's associations that could assist in the collection of accurate data.**

Amendment to article 20 (1) of the Convention

39. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

40. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

41. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.**

Dissemination

42. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Zhogorku Kenesh and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research institutions and the media. It recommends that the present concluding observations be disseminated in an appropriate form at the local community level to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto, relevant jurisprudence and the Committee's general recommendations to all stakeholders.**

Ratification of other treaties

43. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities, to which it is not yet a party.**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

44. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 22 (c) and 28 (b) and (d) above.**

Preparation of the next report

45. **The Committee invites the State party to submit its fifth periodic report in March 2019.**

46. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**